

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case

Date Filed

13-CA-126312

4/10/14

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer

(1) Lofton & Lofton Management V, Inc. d/b/a McDonald's/23 N Western Avenue and (2) McDonald's USA, LLC, joint employers

Tel. No. (1) 312-243-3599  
(2) 800-244-6227

c. Cell No.

d. Address (Street, city, state, and ZIP code)

(1) 23 N. Western Avenue, Chicago, IL 60612  
(2) 2111 McDonald's Drive, Oak Brook, IL 60523

e. Employer Representative

f. Fax No.

g. e-Mail

h. Number of workers employed  
(1) Approx. 55; (2) 100,000+

Type of Establishment (factory, mine, wholesaler, etc.)

Restaurant(s)

j. Identify principal product or service

Fast food

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

In the last six months, the Employers unlawfully prohibited workers from wearing buttons to show support for the Union, while permitting other employees to wear buttons regarding other subjects not directly related to the employer's business or part of any employer uniform, in an effort to interfere with employee exercise of protected rights and in an effort to coerce employees regarding protected concerted activities.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

Workers Organizing Committee of Chicago

4a. Address (Street and number, city, state, and ZIP code)

123 West Madison Street  
Suite 800  
Chicago, IL 60602

4b. Tel. No.  
312-520-1424

4c. Cell No.

4d. Fax No.  
312-243-4731

4e. e-Mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By   
(signature of representative or person making charge)

Barry M. Bennett, Lawyer  
(Print/type name and title or office, if any)

Tel. No.  
312-372-1361

Office, if any, Cell No.

Fax No.  
312-372-6599

e-Mail  
bbennett@dbb-law.com

Address 8 South Michigan Avenue, 19<sup>th</sup> Floor, Chicago, IL 60603

4/9/14  
(date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

## Cases

New	Case Number	File	Case Name	Status	Date Filed	IA Category	Charging Party/Petitioner	Blocked	Dispute/Unit City	Charged Party/Employer	Hot Topics	Dispute/Unit State	No. 1(b)(2) Discriminatees	No. 1(a)(3) Discriminatees	No. of Employees on Petition/Charge	Team	Inquiry Id (b) (6), (b) (7)(C)	Field Agent	Field Supervisor	Barg Status	Closed Reason	Date Closed	Description	Type	Su Ty
	13-CA-124993	Case File	McDonald's USA, LLC	Open	3/21/2014	2	Workers Organizing Committee of Chicago	No	Chicago	McDonald's USA, LLC		IL			60	JPROKOP		JPROKOP	RPAZ	None				C	CA
	13-CA-124812	Case File	(1) McDonald's/1004 West Wilson and (2) McDonald's Corporation, joint employers	Open	3/19/2014	2	Workers Organizing Committee of Chicago	No	Chicago	McDonald's Corporation		IL			140,000	JPROKOP		JPROKOP	RPAZ	None				C	CA
	13-CA-124813	Case File	(1) McDonald's/2707 North Milwaukee and (2) McDonald's Corporation, joint employers	Open	3/19/2014	2	Workers Organizing Committee of Chicago	No	Chicago	McDonald's Corporation		IL			100,055	JPROKOP		JPROKOP	RPAZ	None				C	CA
	13-CA-124486	Case File	Karavites McDonald's and McDonald's USA, LLC, named as joint employers	Open	3/14/2014	2	Workers Organizing Committee of Chicago	No	River Forest	Karavites McDonald's		IL		2	30	CSCHLABC		CSCHLABC	KGIANOPU	None				C	CA
	13-CA-124362	Case File	McDonald's/McDonald's Corporation, joint employers	Closed	3/13/2014	2	Workers Organizing Committee of Chicago	No	Chicago	McDonald's		IL		5	60	CSCHLABC		CSCHLABC	KGIANOPU	None	Withdrawal Adjusted	3/25/2014		C	CA
	13-CA-124213	Case File	(1) McDonald's/9211 S. Commercial and (2) McDonald's USA, LLC, named as joint employers	Open	3/11/2014	2	Workers Organizing Committee of Chicago	No	Chicago	McDonald's USA, LLC		IL		5	50	ECORTEZ		ECORTEZ	RPAZ	None				C	CA
	13-CA-123916	Case File	V. Oviedo, Inc. d/b/a McDonald's/2707 N Milwaukee and McDonald's USA, LLC, joint employers	Open	3/6/2014	2	Workers Organizing Committee of Chicago	No	Chicago	McDonald's USA, LLC		IL		1	50	JPROKOP		JPROKOP	RPAZ	None				C	CA
	13-CA-123699	Case File	Kandice Enterprises d/b/a McDonald's/70 E Garfield and McDonald's USA, LLC, named as joint employers	Open	3/4/2014	2	Workers Organizing Committee of Chicago	No	Chicago	McDonald's USA, LLC		IL			60	JPROKOP		JPROKOP	RPAZ	None				C	CA
	13-CA-121759	Case File	McDonald's Restaurants of Illinois, Inc. d/b/a McDonald's/2005 W. Chicago Avenue and McDonald's USA, LLC, named as joint employers	Open	2/3/2014	2	Workers Organizing Committee of Chicago	No	Chicago	McDonald's Corporation		IL		4	60	JPROKOP		JPROKOP	RPAZ	None				C	CA
	13-CA-119015	Case File	V. Oviedo, Inc. d/b/a McDonald's/2707 N Milwaukee and McDonald's Corporation, joint employers	Open	12/13/2013	2	Workers Organizing Committee of Chicago	No	Chicago	McDonald's Corporation		IL			140,000	JPROKOP		JPROKOP	RPAZ	None				C	CA
	13-CA-118689	Case File	McDonald's	Closed	12/10/2013	2	Workers Organizing Committee of Chicago	No	Chicago	Kandice Enterprises d/b/a McDonald's/70 E Garfield		IL			60	JPROKOP		JPROKOP	RPAZ	None	Withdrawal Non-adjusted	2/5/2014		C	CA
	13-CA-118690	Case File	McDonald's/23 N. Western Avenue and McDonald's Corporation, named as joint employers as to the subject of this charge	Open	12/10/2013	2	Workers Organizing Committee of Chicago	No	Chicago	McDonald's Corporation		IL			100,060	JPROKOP		JPROKOP	RPAZ	None				C	CA
	13-CA-118691	Case File	McDonald's/2005 W. Chicago and McDonald's Corporation, named as joint employers as to the subject of this charge	Open	12/10/2013	2	Workers Organizing Committee of Chicago	No	Chicago	McDonald's Restaurants of Illinois, Inc. d/b/a McDonald's/2005 W Chicago Avenue		IL			100,060	JPROKOP		JPROKOP	RPAZ	None				C	CA
	13-CA-118596	Case File	McDonald's	Closed	12/9/2013	2	Workers Organizing Committee of Chicago	No	Chicago	McDonald's		IL			35	JPROKOP		JPROKOP	RPAZ	None	Withdrawal Non-adjusted	2/5/2014		C	CA
	13-CA-117083	Case File	(1) McDonald's Restaurants of Illinois, Inc. d/b/a McDonald's/2005 W Chicago Avenue and (2) McDonald's USA, LLC, named as joint employers	Open	11/14/2013	2	Workers Organizing Committee of Chicago	No	Chicago	McDonald's USA, LLC		IL		1	60	JPROKOP		JPROKOP	RPAZ	None				C	CA

(b) (7)(E)

4/10/2014



New	Case Number	File	Case Name	Status	Date Filed	IA Category	Charging Party/ Petitioner	Blocked	Dispute/Unit City	Charged Party/Employer	Hot Topics	Dispute/Unit State	No. 8(b)(2) Discriminatees	No. 8(a)(3) Discriminatees	No. of Employees on Petition/Charge	Team	Inquiry Id	Field Agent	Field Supervisor	Barg Status	Closed Reason	Date Closed	Description	Type	Su Ty
	13-CA-115647	Case File	(1) V. Oviedo, Inc. d/b/a McDonald's/2707 N Milwaukee and (2) McDonald's Corporation, named as joint employers	Open	10/25/2013	2	Workers Organizing Committee of Chicago	No	Chicago	McDonald's Corporation		IL			50	JPROKOP	(b) (6), (b) (7)(C)	JPROKOP	RPAZ	None				C	CA
	13-CA-113821	Case File	McDonald's	Closed	9/20/2013	2	Workers Organizing Committee of Chicago	No	Chicago	McDonald's		IL		1	35	JPROKOP		JPROKOP	RPAZ	None	Withdrawal Non-adjusted	12/30/2013		C	CA
	13-CA-113837	Case File	Wright Management, Inc., d/b/a Rock-N-Roll McDonald's and McDonald's Corporation, joint employers.	Open	9/20/2013	2	Workers Organizing Committee of Chicago	No	Chicago	McDonald's Corporation		IL		1	150	JPROKOP		JPROKOP	RPAZ	None				C	CA
	13-CA-112229	Case File	Wright Management, Inc. d/b/a Rock-N-Roll McDonald's	Closed	8/28/2013	2	Workers Organizing Committee of Chicago	No	Chicago	Wright Management, Inc. d/b/a Rock-N-Roll McDonald's		IL			200	JPROKOP		JPROKOP	RPAZ	None	Withdrawal Non-adjusted	9/30/2013		C	CA
	13-CA-112046	Case File	Wright Management, Inc. d/b/a Rock-N-Roll McDonald's	Closed	8/26/2013	2	Workers Organizing Committee of Chicago	No	Chicago	Wright Management, Inc. d/b/a Rock-N-Roll McDonald's		IL		1	200	JPROKOP		JPROKOP	RPAZ	None	Withdrawal Non-adjusted	9/30/2013		C	CA
	13-CA-107668	Case File	(1) Wright Management, Inc. d/b/a Rock-N-Roll McDonald's (2) McDonald's Corporation, named as joint employers	Open	6/20/2013	2	Workers Organizing Committee of Chicago	No	Chicago	McDonald's Corporation		IL		1	200	JPROKOP		JPROKOP	PHITTERM	None				C	CA
	13-CA-106490	Case File	(1) Karavites Restaurants 11102 LLC, d/b/a McDonald's/201 N Clark and (2) McDonald's Corporation, named as joint employers	Open	6/4/2013	2	Workers Organizing Committee of Chicago	No	Chicago	McDonald's Corporation		IL		2	25	JPROKOP		JPROKOP	PHITTERM	None				C	CA
	13-CA-106493	Case File	(1) RMC Loop Enterprises, LLC, d/b/a McDonald's/23 S Clark and (2) McDonald's Corporation, named as joint employers	Open	6/4/2013	2	Workers Organizing Committee of Chicago	No	Chicago	McDonald's Corporation		IL			25	JPROKOP		JPROKOP	PHITTERM	None				C	CA
	13-CA-106491	Case File	(1) Karavites Restaurants 26, Inc., d/b/a McDonald's/10 E. Chicago and (2) McDonald's Corporation, named as joint employers	Open	6/4/2013	2	Workers Organizing Committee of Chicago	No	Chicago	McDonald's Corporation		IL		1	30	JPROKOP		JPROKOP	PHITTERM	None				C	CA
	13-CA-105770	Case File	Wright Management, Inc. d/b/a Rock-N-Roll McDonald's	Closed	5/23/2013	2	Workers Organizing Committee of Chicago	No	Chicago	Wright Management, Inc. d/b/a Rock-N-Roll McDonald's		IL		1	50	JPROKOP		JPROKOP	PHITTERM	None	Withdrawal Non-adjusted	6/27/2013		C	CA
	13-CA-103524	Case File	Karavites Restaurants 26, Inc. d/b/a McDonald's	Closed	4/23/2013	2	Workers Organizing Committee of Chicago	No	Chicago	Karavites Restaurants 26, Inc. d/b/a McDonald's		IL			30	JPROKOP		JPROKOP	PHITTERM	Organizational Campaign	Withdrawal Non-adjusted	6/6/2013		C	CA
	13-CA-103525	Case File	RMC Loop Enterprises, LLC d/b/a McDonald's	Closed	4/23/2013	2	Workers Organizing Committee of Chicago	No	Chicago	RMC Loop Enterprises LLC d/b/a McDonald's		IL			25	JPROKOP		JPROKOP	PHITTERM	None	Withdrawal Non-adjusted	6/6/2013		C	CA
	13-CA-103612	Case File	Wright Management, Inc. d/b/a Rock-N-Roll McDonald's	Closed	4/23/2013	2	Workers Organizing Committee of Chicago	No	Chicago	Wright Management, Inc. d/b/a Rock-N-Roll McDonald's		IL			75	JPROKOP		JPROKOP	PHITTERM	None	Withdrawal Non-adjusted	5/23/2013		C	CA
	13-CA-103617	Case File	Karavites Restaurants 11102, LLC d/b/a McDonald's	Closed	4/23/2013	2	Workers Organizing Committee of Chicago	No	Chicago	Karavites Restaurants 11102, LLC d/b/a McDonald's		IL			25	JPROKOP		JPROKOP	PHITTERM	None	Withdrawal Non-adjusted	6/6/2013		C	CA
	13-CA-100471	Case File	McDonald's Corporation	Closed	3/15/2013	3	(b) (6)	No	Hammond	MCDONALD'S CORPORATION		IN			60	DFLATTE		DFLATTE	RPAZ	None	Withdrawal Non-adjusted	5/1/2013		C	CA



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 13  
209 S La Salle St Ste 900  
Chicago, IL 60604-1443

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (312)353-7570  
Fax: (312)886-1341

April 10, 2014

Workers Organizing Committee of Chicago  
123 W. Madison St., Ste. 800  
Chicago, IL 60602-4621

Re: (1) Lofton & Lofton Management V, Inc.  
d/b/a McDonald's/23 N Western Avenue and  
(2) McDonald's USA, LLC, joint employers  
Case 13-CA-126312

Dear Sir or Madam:

The charge that you filed in this case on April 10, 2014 has been docketed as case number 13-CA-126312. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Examiner Jana C. Prokop whose telephone number is (312)353-8613 and e-mail address is [jana.prokop@nlrb.gov](mailto:jana.prokop@nlrb.gov). If the Board agent is not available, you may contact Deputy Regional Attorney Richard Kelliher-Paz whose telephone number is (312)353-7629.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlrb.gov](http://www.nlrb.gov), or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

(1) Lofton & Lofton Management V, Inc. - 2 -  
d/b/a McDonald's/23 N Western Avenue  
and (2) McDonald's USA, LLC, joint  
employers  
Case 13-CA-126312

April 10, 2014

**Procedures:** We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website [www.nlr.gov](http://www.nlr.gov). However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website [www.nlr.gov](http://www.nlr.gov) or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to be 'P. Sung Ohr', written over a horizontal line.

Peter Sung Ohr  
Regional Director

dg  
Enclosure:  
Copy of Charge

cc: Barry M. Bennett, Esq., Attorney at Law  
Dowd, Bloch, Bennett & Cervone  
8 S. Michigan Ave., Fl 19  
Chicago, IL 60603-3315



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 13  
209 S La Salle St Ste 900  
Chicago, IL 60604-1443

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (312)353-7570  
Fax: (312)886-1341

April 10, 2014

Lofton & Lofton Management V, Inc. d/b/a McDonald's/23 N Western Avenue  
23 N. Western Ave.  
Chicago, IL 60612

McDonald's USA, LLC  
2111 McDonald's Drive  
Oak Brook, IL 00523

Re: (1) Lofton & Lofton Management V, Inc. d/b/a  
McDonald's/23 N Western Avenue and (2)  
McDonald's USA, LLC, joint employers  
Case 13-CA-126312

Dear Sir or Madam:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

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**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge by April 24, 2014. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

April 10, 2014

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

**Procedures:** We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, [www.nlr.gov](http://www.nlr.gov). However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlr.gov](http://www.nlr.gov) or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Peter Sung Ohr', with a long horizontal stroke extending to the right.

Peter Sung Ohr  
Regional Director

dg

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

**QUESTIONNAIRE ON COMMERCE INFORMATION**

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

**CASE NAME****(1) Lofton & Lofton Management V, Inc. d/b/a McDonald's/23 N Western Avenue and (2) McDonald's USA, LLC, joint employers****CASE NUMBER****13-CA-126312****1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)****2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify )**3. IF A CORPORATION or LLC****A. STATE OF INCORPORATION OR FORMATION****B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES****4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS****5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED****A. Total:****B. At the address involved in this matter:****9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates )**

	YES	NO
A. Did you <b>provide services</b> valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value. \$		
B. If you answered no to 9A, did you <b>provide services</b> valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided. \$		
C. If you answered no to 9A and 9B, did you <b>provide services</b> valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$		
D. Did you <b>sell goods</b> valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$		
E. If you answered no to 9D, did you <b>sell goods</b> valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$		
F. Did you <b>purchase and receive goods</b> valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$		
G. Did you <b>purchase and receive goods</b> valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$		
H. <b>Gross Revenues</b> from all sales or performance of services (Check the largest amount) <input type="checkbox"/> \$100,000 <input type="checkbox"/> \$250,000 <input type="checkbox"/> \$500,000 <input type="checkbox"/> \$1,000,000 or more If less than \$100,000, indicate amount.		
I. Did you <b>begin operations within the last 12 months?</b> If yes, specify date: _____		

**10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME	TITLE	E-MAIL ADDRESS	TEL. NUMBER

**12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE**

NAME AND TITLE (Type or Print)	SIGNATURE	E-MAIL ADDRESS	DATE

**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.



**UNITED STATES OF AMERICA**  
**BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**LOFTON & LOFTON MANAGEMENT V, INC.**  
**D/B/A MCDONALD'S/23 N WESTERN AVENUE**

Charged Party

and

**WORKERS ORGANIZING COMMITTEE OF  
CHICAGO**

Charging Party

**Case 13-CA-126312**

**AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER**

I, the undersigned employee of the National Labor Relations Board, state under oath that on April 10, 2014, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

Lofton & Lofton Management V, Inc. d/b/a  
McDonald's/23 N Western Avenue  
23 N. Western Ave.  
Chicago, IL 60612

McDonald's USA, LLC  
2111 McDonald's Drive  
Oak Brook, IL 00523

April 10, 2014

\_\_\_\_\_  
Date

**Denise Gatsoudis**, Designated Agent of  
NLRB

\_\_\_\_\_  
Name

\_\_\_\_\_  
Signature

**From:** [Barry Bennett](#)  
**To:** [Prokop, Jana C.](#)  
**Subject:** Re: change of address?  
**Date:** Wednesday, April 30, 2014 3:13:32 PM

---

Yes.

Sent from my iPhone

On Apr 30, 2014, at 2:06 PM, "Prokop, Jana C." <[Jana.Prokop@nlrb.gov](mailto:Jana.Prokop@nlrb.gov)> wrote:

Hi Barry,

Does the WOCC have a change of address to 850 W Jackson? If so, I'll change the participants in each case to reflect the correct address so when we mail documents out (at least in my cases) they actually receive the documents. Thanks!

And thanks for getting everything to me so quickly on the 2005 location McDonald's.  
Makes my life much easier!

-Jana

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error, please notify Dowd, Bloch, Bennett & Cervone ([office@dbb-law.com](mailto:office@dbb-law.com)). Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of Dowd, Bloch, Bennett & Cervone. Finally, the recipient should check this email and any attachments for the presence of viruses. Dowd, Bloch, Bennett & Cervone accepts no liability for any damage caused by any virus transmitted by this email.

**From:** [Prokop, Jana C.](#)  
**To:** ["Barry Bennett"](#)  
**Subject:** status of McD's cases  
**Date:** Wednesday, June 4, 2014 1:07:00 PM

---

Hi Barry, Below are the McDonald's charges I've got:

These have been investigated and are being held in abeyance pending Advice's decision on the joint employer issue:

106490 (201 N Clark) 2<sup>nd</sup> amended filed 2/4/2014 to include joint employer  
106491 (10 E Chicago) 2<sup>nd</sup> amended filed 1/13/2014 to include joint employer  
106493 (23 S Clark) 2<sup>nd</sup> amended filed 1/13/2014 to include joint employer  
107668 (600 N Clark) 2<sup>nd</sup> amended filed 1/13/2014 to include joint employer  
113837 (Rock N Roll) 1<sup>st</sup> amended filed 12/9/2013  
115647 (2707 N Milwaukee) 2<sup>nd</sup> amended filed 1/31/2014  
119015 (2707 N Milwaukee) 1<sup>st</sup> amended filed 1/31/2014  
123916 (2707 N Milwaukee) 1<sup>st</sup> amended filed 5/23/2014  
124813 (2707 N Milwaukee), schedule charge, original charge filed 3/19/2014, first amended just filed  
123699 (70 E Garfield) 1<sup>st</sup> amended filed 5/13/2014  
118690 (23 N Western), schedule charge, original charge filed 12/10/2013  
124812 (1004 W Wilson), schedule charge, original charge filed 3/19/2014, first amended just filed

These are corporate charges and we are waiting for Washington to tell us what to do about the Union's nationwide posting proposal in 118691 and whether to bifurcate 118691 from the other 2:  
118691 (2005 W Chicago), schedule charge, original charge filed 12/10/2013

117083 (2005 W Chicago) 2<sup>nd</sup> amended filed 3/28/2014  
121759 (2005 W Chicago) 2<sup>nd</sup> amended filed 4/29/2014

Open and under investigation:

126312 (23 N Western), union button, no further info from the union needed and next to be presented  
129709 (29 E 87<sup>th</sup> Street), new one, deadline next Friday for union to present evidence  
129771 (70 E Garfield), schedule charge, new one, deadline next Friday for union to present evidence

Hope that helps! Let me know if there was anything else you're looking for.

Jana Prokop  
Field Examiner  
National Labor Relations Board, Region 13  
209 S LaSalle Street - Suite 900  
Chicago, IL 60604

312-353-8613 (p) | 312-886-1341 (f)  
<http://www.nlr.gov>



**From:** [Prokop, Jana C.](#)  
**To:** ["Barry Bennett"](#)  
**Subject:** 13-CA-126312 (McD"s at 23 N Western)  
**Date:** Wednesday, June 4, 2014 3:20:00 PM

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Hi Barry –

I'm just trying to get this case wrapped up. This is the Union button charge where employee (b) (6), (b) (7)(C), (b) (7)(D) was told to remove (b) (6), (b) (7)(C) union button but the same day (b) (6), (b) (7)(C) wore (b) (6), (b) (7)(C) non-McDonald's (b) (6), (b) (7)(C) button. I know I had asked the Union before (just after (b) (6), (b) (7)(C), (b) (7)(D) gave (b) (6), (b) (7)(C), (b) (7)(D) affidavit which was (b) (6), (b) (7)(C), (b) (7)(D) to see if there was a chance we could get another employee at the store to corroborate that this (b) (6), (b) (7)(C) wore the (b) (6), (b) (7)(C) button and the response at the time was that it was unlikely. Just wanted to double check to see if the Union could think of anyone at this store who saw that management allowed employees to wear other non-McDonald's pins. That was the only detail I wanted to make a last ditch effort to get. I should be able to present this case by Wednesday of next week, so I'm able to see anyone before then. Thanks!

Jana Prokop  
Field Examiner  
National Labor Relations Board, Region 13  
209 S LaSalle Street - Suite 900  
Chicago, IL 60604  
312-353-8613 (p) | 312-886-1341 (f)  
<http://www.nlrb.gov>

**From:** [Barry Bennett](#)  
**To:** [Prokop, Jana C.](#)  
**Cc:** (b) (6), (b) (7)(C); [Steve Rufo](#)  
**Subject:** WOCC/McD  
**Date:** Saturday, June 7, 2014 1:24:40 PM  
**Attachments:** [201406061714.pdf](#)  
[201406061712.pdf](#)

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Hi Jana,

I know you may not see this note and be able to respond until Tuesday, so I'm getting you this information and documentation now, and copying in the relevant folks from the Union, in order to move communications forward for next week on three matters you're handling that I know have time limits approaching quickly.

This also lets me make sure the members of the Union Team are all clear on what's happening and needed. Feel free to Reply All if you wish so the Union folks will know right away about what you can do as far as meetings/contacts with workers. Union people copied here should also feel free to communicate directly with you (copying me) if they have any updates on availability of witnesses. But of course if there's anything you and/or any of the Union Team want to communicate privately with me about first, that's fine too.

**13-CA-129709/29 E. 87th:** I'm attaching copies of a First Amended Charge and cover letter I sent in late yesterday afternoon, and that I expect to have hand-delivered Monday. As you'll see, it adds an allegation over reduction in hours/days for (b) (6), (b) (7)(C), who was named in original charge as having been issued discipline for strike absence, and also makes a reduction in hours/days claim for (b) (6), (b) (7)(C). I don't know if your schedule has tightened up since we spoke a couple days ago; but working within what you told me might be open, (b) (6), (b) (7)(C) could meet (b) (6), (b) (7)(C) of next week starting at about (b) (6), (b) (7)(C) at the Starbucks on E. 87th at the Dan Ryan, and can stay as long as necessary, and (b) (6), (b) (7)(C) can meet at the same location, (b) (6), (b) (7)(C) is ok anytime (b) (6), (b) (7)(C) until about (b) (6), (b) (7)(C) and could also meet (b) (6), (b) (7)(C) starting at about (b) (6), (b) (7)(C) is our (b) (6), (b) (7)(C) on this one, and I am asking (b) (6), (b) (7)(C) to follow-up with (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) as soon as you let us know what would work for you.

**13-CA-129771/70 E. Garfield:** This a charge over the schedule form, and I understand we must present a witness in support of the charge this coming week or we will be forced to withdraw it. We are waiting to learn the schedule for our witness this week, and by copy of this note I am asking (b) (6), (b) (7)(C) to let us know as soon as possible when this witness will be available this week, and whether (b) (6), (b) (7)(C)

**13-CA-126312/23 N. Western:** I understand this one will probably go to Agenda early this coming week and you want to know if we have any other witnesses who can support the evidence we already provided that (b) (6), (b) (7)(C) wore a non-McD button or pin (apparently a (b) (6), (b) (7)(C) button), or any other evidence about non-McDonald's buttons or pins being worn. **Steve Rufo** was looking into this one, and I'm asking him to let us know right away if he has anyone else for you to meet with.

Thanks, and I hope everyone has a good weekend.

Barry

--

**BARRY M. BENNETT**

**DOWD, BLOCH, BENNETT & CERVONE**

8 South Michigan Avenue | 19th Floor | Chicago, IL 60603

Phone 312.372.1361 | Fax 312.372.6599

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JOSIAH A. GROFF  
DAVID P. LICHTMAN  
GEORGE A. LUSCOMBE III  
ELIZABETH L. ROWE

June 6, 2014

**VIA FAX 312-886-1341**

Mr. Peter Sung Ohr  
Regional Director  
Region 13, National Labor Relations Board  
The Rookery Building  
209 South LaSalle Street, Suite 900  
Chicago, IL 60604

**Re: McDonald's/29 E. 87<sup>th</sup> Street and McDonald's USA, LLC, joint employers  
13-CA-129709**

Dear Mr. Ohr:

I attached the first amended charge in the above-captioned matter. I will attempt to have the original hand-delivered to your office on Monday.

Respectfully yours,

Barry M. Bennett

BMB: (b) (6), (b) (7)(C)  
Enclosure

cc: (b) (6), (b) (7)(C), WOCC (via email)  
Mr. Steve Rufo, WOCC (via email)  
(b) (6), (b) (7)(C) WOCC (via email)



UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**FIRST AMENDED CHARGE AGAINST EMPLOYER**

FORM EXEMPT UNDER 44 U.S.C. 3512

**DO NOT WRITE IN THIS SPACE**

Case

Date Filed

**INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

**1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT**

a. Name of Employer McDonald's/29 E. 87th Street and (2) McDonald's USA, LLC, joint employers		b. Tel. No. (1) 773-783-4595 (2) 800-244-6227
		c. Cell No.
		f. Fax No.
d. Address (Street, city, state, and ZIP code) (1) 29 E. 87th Street, Chicago, IL 60619 (2) 2111 McDonald's Drive, Oak Park, IL 60523	e. Employer Representative	g. e-Mail
		h. Number of workers employed (1) Approx. 50; (2) 100,000+
i. Type of Establishment (factory, mine, wholesaler, etc.) Restaurant	j. Identify principal product or service Fast Food	

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

**2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)**

(1) On or about (b) (6), (b) (7)(C) 2014, the joint employers disciplined (b) (6), (b) (7)(C) in retaliation for (b) participation in a lawful and peaceful strike and in retaliation for (b) (6) other protected, concerted activities, and in an effort to restrain and coerce (b) (6) and other employees from engaging in protected, concerted activities.

(2) Since on or about (b) (6), (b) (7)(C) 2013, the joint employers have reduced the hours and days of (b) (6), (b) (7)(C) in retaliation for (b) (6) participation in protected, concerted, and Union activities, and in an effort to restrain and coerce (b) (6) and other employees from engaging in protected, concerted and Union activities.

(3) Since on or about (b) (6), (b) (7)(C) 2014, the joint employers have reduced the hours and days of (b) (6), (b) (7)(C) in retaliation for (b) (6) participation in protected, concerted, and Union activities, and in an effort to restrain and coerce (b) (6) and other employees from engaging in protected, concerted, and Union activities.

**3. Full name of party filing charge (if labor organization, give full name, including local name and number)**

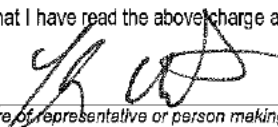
Workers Organizing Committee of Chicago

4a. Address (Street and number, city, state, and ZIP code) 850 W. Jackson, Suite 275 Chicago, IL 60607	4b. Tel. No. (312) 520-1424
	4c. Cell No.
	4d. Fax No. (312) 243-4731
	4e. e-Mail

**5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)**

**6. DECLARATION**

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By  (signature of representative or person making charge)	Barry M. Bennett, Lawyer (Print/type name and title or office, if any)
Dowd Bloch Bennett & Cervone 8 South Michigan Avenue, 19th Floor, Chicago, IL 60603	
Address _____ (date) 6/6/14	

Tel. No. (312) 372-1361
Office, if any, Cell No.
Fax No. (312) 372-6599
e-Mail bbennett@dbb-law.com

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**

**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

**From:** [Prokop, Jana C.](#)  
**To:** [Ocampo, Zulma](#)  
**Cc:** [McGill, Sara](#); [Jones, Catherine](#)  
**Subject:** McDonald's  
**Date:** Monday, June 9, 2014 11:43:00 PM

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Hi Zulma –

I need a (b) (6), (b) (7)(C) to meet me at the (b) (6), (b) (7)(C) Anyone available? Just found out tonight about this witness. I have an election tomorrow morning and will be in the car early, so if you could please e-mail me, that would be great. Thanks!

Jana Prokop  
Field Examiner  
National Labor Relations Board, Region 13  
209 S LaSalle Street - Suite 900  
Chicago, IL 60604  
312-353-8613 (p) | 312-886-1341 (f)  
<http://www.nlr.gov>

**From:** [Barry Bennett](#)  
**To:** [Prokop, Jana C.](#)  
**Cc:** (b) (6), (b) (7)(C) [Steve Rufo](#); [Cynphoni Skipper](#)  
**Subject:** Re: WOCC/McD  
**Date:** Tuesday, June 10, 2014 7:26:28 AM

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Jana, I'll wait for word from you (b) (6), (b) (7)(C) availability. Best if you can phone me so we can have immediate back and forth. If you can do that, might be most efficient to call on 312-953-3104.

Union Team, please stay flexible and ready to move fast. I'll let you know as soon as I know. For (b) (6), Steve--(b) (6), (b) (7)(C) at (b) (6) looks like a possibility; (b) (6), (b) (7)(C) at (b) (6) might also work. Do your best to keep them available. We'll work on others for later in week once we get (b) (6), schedule straightened out. If any changes for any of your folks, please let me know right away.

Thanks all.

Sent from my iPhone

On Jun 9, 2014, at 10:49 PM, "Prokop, Jana C." <[Jana.Prokop@nlrb.gov](mailto:Jana.Prokop@nlrb.gov)> wrote:

Hi Barry –

I do actually wish I could be in multiple places at once! I have asked if (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) for (b) (6), (b) (7)(C), as I could definitely meet (b) (6) then. My schedule is still open after my election (b) (6), (b) (7)(C), so I can meet whomever you need me to meet. The issue will be whether (b) (6), (b) (7)(C) available on short notice that can meet me at the location as I won't be downtown. I'll let you know in the morning once I hear from the office. Do we want to go ahead and schedule (b) (6), (b) (7)(C) at (b) (6) (as (b) (6), (b) (7)(C) )? Or if (b) (6), (b) (7)(C) for the (b) (6), (b) (7)(C) we could schedule (b) (6), (b) (7)(C) What a dilemma! You figure out what you'd like me to do (maybe their schedules changed) and I'll take the job of letting you know as soon as possible whether (b) (6), (b) (7)(C)

-Jana

---

**From:** Barry Bennett [<mailto:bbennett@dbb-law.com>]  
**Sent:** Monday, June 09, 2014 2:12 PM  
**To:** Prokop, Jana C.  
**Cc:** (b) (6), (b) (7)(C); Steve Rufo  
**Subject:** Re: WOCC/McD

Hi Jana,

Following up on note from Saturday, we have another witness for the charge from 23 N. Western. (b) (6), (b) (7)(C) name is (b) (6), (b) (7)(C), and (b) (6), (b) (7)(C) available at (b) (6), (b) (7)(C). Best place for (b) (6), (b) (7)(C) is 2901 S Cicero Starbucks, but we can arrange to

get (b) somewhere else if necessary.

For 70 E. Garfield, (b) (6), (b) (7)(C) is our witness and (b) (6), (b) (7)(C) off work (b) (6), (b) (7)(C) so I wonder if late (b) (6), after your other appointment could work, or if someone else could pinch hit for you another time (b) (6), (b) (7)(C).

Also standing by to hear from you on the two witnesses we have as noted above for 29 E. 87th Street.

Can you clone yourself?

Thanks.

Barry

On Sat, Jun 7, 2014 at 12:24 PM, Barry Bennett <[bbennett@dbb-law.com](mailto:bbennett@dbb-law.com)> wrote:  
Hi Jana,

I know you may not see this note and be able to respond until Tuesday, so I'm getting you this information and documentation now, and copying in the relevant folks from the Union, in order to move communications forward for next week on three matters you're handling that I know have time limits approaching quickly.

This also lets me make sure the members of the Union Team are all clear on what's happening and needed. Feel free to Reply All if you wish so the Union folks will know right away about what you can do as far as meetings/contacts with workers. Union people copied here should also feel free to communicate directly with you (copying me) if they have any updates on availability of witnesses. But of course if there's anything you and/or any of the Union Team want to communicate privately with me about first, that's fine too.

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witness this week, and by copy of this note I am asking (b) (6), (b) (7)(C) to let us know as soon as possible when this witness will be available this week, and whether (b) (6), (b) (7)(C).

**13-CA-126312/23 N. Western:** I understand this one will probably go to Agenda early this coming week and you want to know if we have any other witnesses who can support the evidence we already provided that a (b) (6), (b) (7)(C) wore a non-McD button or pin (apparently a (b) (6), (b) (7)(C) button), or any other evidence about non-McDonald's buttons or pins being worn. **Steve Rufo** was looking into this one, and I'm asking him to let us know right away if he has anyone else for you to meet with.

Thanks, and I hope everyone has a good weekend.

Barry

--

**BARRY M. BENNETT**  
**DOWD, BLOCH, BENNETT & CERVONE**  
8 South Michigan Avenue | 19th Floor | Chicago, IL 60603  
Phone 312.372.1361 | Fax 312.372.6599

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**BARRY M. BENNETT**  
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**From:** [Prokop, Jana C.](#)  
**To:** [Ocampo, Zulma](#)  
**Cc:** [Jones, Catherine](#); [McGill, Sara](#)  
**Subject:** RE: McDonald's  
**Date:** Tuesday, June 10, 2014 5:57:00 PM

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No problem, Zulma. The witness ended up cancelling anyway. Tried to schedule (b) (6), (b) (7)(C) one at 230pm today, but the Union couldn't get ahold of that witness.

Incidentally, are you available (b) (6), (b) (7)(C) to leave the office after my agenda (b) (6), (b) (7)(C) to take an affidavit on (b) (6), (b) (7)(C) ? I just heard from the Union that is when the witness is available.  
Thanks!

---

**From:** Ocampo, Zulma  
**Sent:** Tuesday, June 10, 2014 2:26 PM  
**To:** Prokop, Jana C.  
**Cc:** Jones, Catherine; McGill, Sara  
**Subject:** McDonald's

Hi Jana,

I have just received this email. I was out of the office, and my schedule did not show availability for today, June 10, 2014 at 12:00 p.m.

Thanks,

Zulma

**From:** [Hofstra, Joyce A.](#)  
**To:** [Gianopulos, Kate](#); [Hitterman, Paul](#); [Prokop, Jana C.](#); [Ohr, Peter S.](#)  
**Subject:** RE: Committee Deliberation --> Lofton & Lofton Management V, Inc. d/b/a McDonald's/23 N Western and McDonald's USA, LLC 13-CA-126312  
**Date:** Wednesday, June 11, 2014 3:40:23 PM

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I agree.

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**From:** Gianopulos, Kate  
**Sent:** Wednesday, June 11, 2014 2:36 PM  
**To:** Hitterman, Paul; Prokop, Jana C.; Ohr, Peter S.; Hofstra, Joyce A.  
**Subject:** RE: Committee Deliberation --> Lofton & Lofton Management V, Inc. d/b/a McDonald's/23 N Western and McDonald's USA, LLC 13-CA-126312

I agree.

Kate MH Gianopulos  
Supervisory Field Examiner  
National Labor Relations Board, Region 13 Chicago  
Rookery Building  
209 S LaSalle, Ste. 900  
Chicago, IL 60604  
Phone: 312-353-4162  
Fax: 312-886-3036  
E-mail: [kate.gianopulos@nrlrb.gov](mailto:kate.gianopulos@nrlrb.gov)

---

**From:** Hitterman, Paul  
**Sent:** Wednesday, June 11, 2014 2:31 PM  
**To:** Prokop, Jana C.; Ohr, Peter S.; Gianopulos, Kate; Hofstra, Joyce A.  
**Subject:** RE: Committee Deliberation --> Lofton & Lofton Management V, Inc. d/b/a McDonald's/23 N Western and McDonald's USA, LLC 13-CA-126312

I agree

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**From:** Prokop, Jana C.  
**Sent:** Wednesday, June 11, 2014 2:29 PM  
**To:** Ohr, Peter S.; Hitterman, Paul; Gianopulos, Kate; Hofstra, Joyce A.  
**Subject:** Committee Deliberation --> Lofton & Lofton Management V, Inc. d/b/a McDonald's/23 N Western and McDonald's USA, LLC 13-CA-126312

13-CA-126312 Lofton & Lofton Management V, Inc. d/b/a McDonald's/23 N Western and McDonald's USA, LLC  
Category II  
Date of Agenda: 6/11/2014

#### RECOMMENDATIONS

1. Absent  
settlement,

Complaint  
should issue  
alleging  
violations of:  
none

2.

Absent  
withdrawal,  
Region  
should  
dismiss  
as  
to:  
all

3.

Further  
investigation  
or  
consideration  
should  
be  
done  
with  
regard  
to:  
none

#### **MINUTES OF DELIBERATIONS:**

The Committee recommended to DAW the union button allegation based on insufficient evidence. It was discussed that the wearing of other non-McDonald's buttons was limited to one day by one person. (b) (5), (b) (6), (b) (7)(C)

[REDACTED]

(b) (5)

[REDACTED]



**From:** [Prokop, Jana C.](#)  
**To:** "Barry Bennett"  
**Subject:** RE: button charge (McD's at 23 N Western) 126312  
**Date:** Thursday, June 12, 2014 9:48:00 AM

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Nope, I will put it through as is. Thanks!

Jana Prokop  
Field Examiner  
National Labor Relations Board, Region 13  
209 S LaSalle Street - Suite 900  
Chicago, IL 60604  
312-353-8613 (p) | 312-886-1341 (f)  
<http://www.nlr.gov>

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**From:** Barry Bennett [mailto:bbennett@dbb-law.com]  
**Sent:** Thursday, June 12, 2014 8:47 AM  
**To:** Prokop, Jana C.  
**Subject:** Re: button charge (McD's at 23 N Western) 126312

I understand Jana, and we will withdraw the charge. Please let me know if you need anything else for the withdrawal.

Thanks.

Barry

On Thu, Jun 12, 2014 at 8:44 AM, Prokop, Jana C. <[Jana.Prokop@nlrb.gov](mailto:Jana.Prokop@nlrb.gov)> wrote:  
Hi Barry –

While I mentioned our decision of no merit, I didn't technically solicit withdrawal. I need to have the letter issue today, so if you could let me know by noon today whether the Union wishes to withdraw the Union button charge, 13-CA-126312 (23 N Western), that would be great.

Again, our decision was insufficient evidence to establish a violation as we can't show the restaurant routinely allowed non-McDonald's buttons on the past. At best, we just have the one day example by one person (b) (6), (b) (7)(C) worn by one employee).

I will be in an election the rest of the day until about 230pm, but I hope to have internet. Have a great day!

Jana Prokop  
Field Examiner  
National Labor Relations Board, Region 13  
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**BARRY M. BENNETT**

**DOWD, BLOCH, BENNETT & CERVONE**

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# Internal case Memorandum

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**To:** SFX J. Hofstra  
**From:** FX J. Prokop  
**Date:** 1/5/2023  
**Re:** 13-CA-126312 McDonald's/23 N Western

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## **For approval of withdrawal request (NOT adjusted)**

The instant charge alleging that the Employer unlawfully asked an employee to remove (b) union button went to agenda yesterday with a recommendation to DAW based on insufficient evidence. Specifically, there is insufficient evidence to establish that the Employer had a practice of allowing employees to wear other non-McDonald's buttons. There is only evidence that one person wore a (b) (6), (b) (7)(C) button for one day and was not told to take it off.

In that there is no merit to the charge, I solicited withdrawal from the Union today, and received an immediate request to withdraw.

**Recommendation:** Accordingly, inasmuch as the Charging Party requests to withdraw the charge, I recommend approval of the withdrawal request.

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I agree, per the agenda committee. – jh 6/12/14



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 13  
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June 12, 2014

Caralyn M. Olie, Attorney at Law  
LaPointe Law, P.C.  
1200 Shermer Road, Suite 310  
Northbrook, IL 60062-4500

Jonathan M Linas, Esq., Attorney  
Jones Day  
77 W Wacker Drive, Ste 3500  
Chicago, IL 60601-1692

Re: (1) Lofton & Lofton Management V, Inc.  
d/b/a McDonald's/23 N Western Avenue  
and (2) McDonald's USA, LLC, joint  
employers  
Case 13-CA-126312

Dear Ms. Olie and Mr. Linas:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

*/s/ Peter Sung Ohr*

PETER SUNG OHR  
Regional Director

cc: Lofton & Lofton Management V, Inc.  
d/b/a McDonald's/23 N Western Avenue  
23 N. Western Ave.  
Chicago, IL 60612

McDonald's USA, LLC  
2111 McDonald's Drive  
Oak Brook, IL 60523

Doreen S. Davis, Attorney  
Jones Day  
222 East 41st Street  
New York, NY 10017-6702

Andrew G. Madsen, Esquire  
Jones Day  
77 W. Wacker Drive, Suite 3500  
Chicago, IL 60601-1701

(1) Lofton & Lofton Management V, Inc.  
d/b/a McDonald's/23 N Western Avenue and  
(2) McDonald's USA, LLC, joint employers  
Case 13-CA-126312

- 2 -

June 12, 2014

Barry M. Bennett, Esq.,  
Attorney at Law  
Dowd, Bloch, Bennett & Cervone  
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Chicago, IL 60603-3315

Workers Organizing  
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